

May 19, 2005: "Unrest in Uzbekistan: Crisis and Prospects"

Testimony by Michael Cromartie, Commission Chair Before the Helsinki Commission

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Thursday, May 19, 2005

Thank you, Mr. Chairman, for inviting me to testify here today. As you know, the U.S. Commission on International Religious Freedom is an independent government agency created by the International Religious Freedom Act of 1998 (IRFA). The Commission monitors religious freedom in other countries and advises the President, Secretary of State and Congress on how best to advance religious freedom abroad.

In October of last year, the Commission visited Uzbekistan and met with government officials, human rights activists, religious leaders and former prisoners in the Ferghana valley, including in Andijon, as well as Tashkent and Samarkand. The Commission notes that many of the Uzbek government policies towards religious groups and individuals foreshadow the tragedy in Andijon.

In April 2005, the Commission found the government of Uzbekistan to be responsible for severe human rights violations, including freedom of thought, conscience, and religion or belief and recommended to the Secretary of State that Uzbekistan be named a Country of Particular Concern (CPC), according to the International Religious Freedom Act of 1998.

Uzbekistan has a highly restrictive law on religion that severely limits the ability of religious communities to function and that criminalizes all unregistered religious activity. The 1998 Uzbek law on religion is used by government officials to deny registration to various religious groups, particularly minority religious communities, resulting in an effective ban on the activities of these groups. At present, some 100 unregistered religious communities - of all faiths - are seeking registration.

The Uzbek government also exercises a high degree of control over the manner in which the Islamic faith is practiced. There are very few outlets for Muslims to learn about or practice their faith other than those provided by the government via the Muslim Spiritual Board. After 1998, the Uzbek authorities closed 3,000 of the reported 5,000 functioning mosques in the country.

The Commission delegation in Uzbekistan experienced directly the government's

determination to monitor the activities of Muslim leaders. Certain officials from the Uzbek Interior Ministry insisted on being present at the Commission's meetings with local imams in Samarkand and in cities in the Ferghana Valley. Even more heavy-handed tactics were used in the city of Ferghana, where Uzbek security agents made overt efforts to disrupt the Commission delegation's meeting with an Uzbek human rights activist, former prisoner, and other victims of repression.

Government authorities crack down harshly on Muslim individuals, groups, and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This crack down has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process. There are also credible reports that many of those arrested continue to be tortured or beaten in detention. There are, according to the 2004 State Department human rights report, approximately 5,500 prisoners in Uzbekistan who have been convicted because they choose to exercise their faith outside the state's control or who the government claims are associated with extremist groups.

Confessions are the main evidence used to convict persons accused of membership in suspect organizations. Such confessions are often obtained before the accused has gained access to a lawyer or doctor and frequently result from ill-treatment or torture. A defendant's lawyer frequently is denied access to his or her client until after a confession has been obtained, although such access should be granted within 24 hours under Uzbek law. There is also a widespread reliance on "guilt by association:" members of the same family are arrested and sentenced for alleged involvement with proscribed religious organizations, beliefs, or practices. Any outward display of piety can arouse suspicion by the Uzbek government and may lead to sanctions, including possible arrest.

Security threats do exist in Uzbekistan, including from members of Hizb ut-Tahrir and other groups that claim a religious linkage, but these threats do not excuse or justify the scope and harshness of the government's ill treatment of religious believers. Because the Uzbek criminal justice system is not transparent, it is impossible to know fully the basis on which people have been detained or convicted. Nevertheless, the State Department, as well as domestic and international human rights organizations, concluded that many of these prisoners have been convicted on charges that relate to their religious beliefs, practices, or alleged association, and not on specific evidence of advocacy of, or engagement in, acts of violence. I should note that the Commission's recommendation that Uzbekistan be designated a CPC should not in any way be construed as a defense of Hizb-ut-Tahrir, an extremist and highly intolerant organization that promotes hatred against moderate Muslims, the West, Jews and others.

The Uzbek government is reported to treat thousands of suspected Hizb ut-Tahrir members in a particularly harsh way, including convicting them to prison terms of up to 20 years. Yet, those who monitor human rights practices in Uzbekistan have concluded that the state has not accused those arrested of involvement in specific violent acts, nor offered material evidence that its members have perpetrated any such acts. Moreover, many of those arrested are not members of Hizb ut-Tahrir, but are detained and

charged solely on the basis of possessing the group's literature, which, the Commission was told during its visit, is frequently planted on them at the time of their arrest.

The strict governmental control over the content and character of Islamic teaching, worship, and practice results in the aspiration on the part of some in Uzbekistan to seek alternative voices and sources of religious authority. The Commission delegation heard from many interlocutors that the absence of permitted religious alternatives only serves to generate support for underground groups, including Hizb ut-Tahrir.

The UN Special Rapporteur on Torture concluded in his February 2003 report on Uzbekistan that "torture or similar ill-treatment is systematic." Uzbek human rights activists and the relatives of prisoners confirmed these findings to the Commission delegation. Prisoners' relatives are also often denied access to the trials of their family members. Uzbek human rights activists told the Commission delegation that even after the publication of the report of the UN's Special Rapporteur on Torture, reliance on the use of torture in detention has not decreased. Indeed, one Uzbek human rights lawyer said that methods of torture have become "more advanced."

The recent tragic events in Andijon occurred as a result of public protests over the trial of 23 local businessmen who reportedly employed thousands of people in an impoverished region. The Uzbek government claims that the charitable activities of these 23 businessmen are "criminal" and "extremist" and linked to Hizb-ut-Tahrir. Given the nature of the Uzbek judicial system - along with the Uzbek practice of convicting persons solely for their alleged membership in banned organizations - it is impossible to ascertain the veracity of such official claims. The Commission joins those who are calling for an international investigation, possibly by the OSCE which has an on-the-ground presence in Uzbekistan, to clarify the tragic course of events in Andijon.

Commission Recommendations

I would now like to highlight some of the policy recommendations made by the Commission to the U.S. government. I would also like to request that the full set of the Commission's recommendations and its 2005 Annual Report section on Uzbekistan be included in the record.

First, the U.S. government should ensure that it speaks in a unified voice in its relations with the Uzbek government. For example, last year the State Department refused to provide funding to the Uzbek government due to its human rights violations, yet, one month later, the Defense Department granted funds to the Uzbek government. U.S. statements and actions should be coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in all dealings with the Uzbek government.

Second, U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, should be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards.

Initial steps by the Uzbek government should include:

- ending reliance on convictions based solely on confessions, a practice that often is linked to ill treatment of prisoners;
- halting the detention and imprisonment of persons on account of their religious beliefs and practices;
- establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses;
- implementing the recommendations of the Organization on Security and Cooperation in Europe (OSCE) Panel of Experts on Religion and Belief to revise the 1998 law on Freedom of Worship and Religious Organizations to bring it into accordance with international standards;
- registering religious groups that comply with the legal requirements;
- ensuring that every religious prisoner has access to his or her family, adequate medical care, and a lawyer, as specified in international human rights instruments;

Third, the Commission recognizes the Uzbek government's duty to protect public safety and order by targeting groups that have engaged in violence, but the United States must stand firmly against policies and actions that amount to the criminalization of religious belief and practice, rather than juridical review of specific acts of violence or other clearly criminal behavior.

Fourth, U.S. security and other forms of assistance should continue to be scrutinized to ensure that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior Ministry and the Justice Ministry, which have been found to be responsible for religious freedom violations.

Fifth, the U.S. government should reinstate Uzbek-language radio broadcasts at the Voice of America (VOA), and should use VOA and other appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy as well as specific concerns about religious freedom in their country.

Sixth, the U.S. government should encourage scrutiny of Uzbek human rights

concerns in appropriate international fora such as the Organization on Security and Cooperation in Europe (OSCE) and other multilateral venues; it should facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms.

Seventh, the U.S. government should advocate greater involvement of the OSCE Center in Tashkent, including the collection of monitoring data on religious freedom and hiring a staff member in the OSCE Center in Tashkent for monitoring activities. The staff member should report to the OSCE Tolerance Unit in the Office of Democratic Institutions and Human Rights in Warsaw.

Finally, the U.S. government should urge the Uzbek government to agree to a visit by UN Special Rapporteurs on Freedom of Religion or Belief and the Independence of the Judiciary and provide the full and necessary conditions for such a visit.